

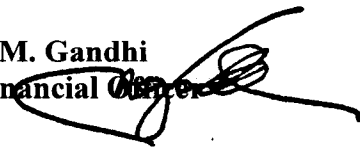
**Government of the District of Columbia  
Office of the Chief Financial Officer**



**Natwar M. Gandhi**  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Vincent C. Gray  
Chairman, Council of the District of Columbia

**FROM:** Natwar M. Gandhi  
Chief Financial Officer 

**DATE:** February 19, 2009

**SUBJECT:** Fiscal Impact Statement – “Freedom of Information Act Regulations Approval Resolution of 2009”

**REFERENCE:** Draft – No Bill Number

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**Conclusion**

Funds are sufficient in the FY 2009 through FY 2012 budget and financial plan to implement the proposed resolution.

The proposed resolution repeals current rules that govern the Freedom of Information Act (“FOIA”) requests for District of Columbia Public Schools (“DCPS”) (District of Columbia Municipal Regulations, “DCMR” Title 5, Chapter 34), and subjects DCPS to the FOIA regulations that govern all Mayoral agencies (Chapter 4 of Title 1 in the DCMR). No additional funds or personnel time are required to implement the proposed resolution.

**Background**

The proposed rulemaking repeals Chapter 34 of Title 5 of DCMR in its entirety and replaces it with a new title that directs DCPS to follow the same rules and procedures in implementing District of Columbia’s Freedom of Information Act<sup>1</sup> as all other District government agencies as specified in Title 1, Chapter 4 of the DCMR.<sup>2</sup>

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<sup>1</sup> Effective March 25, 1977. D.C. Law 1-96, D.C. Official Code §2-351 *et seq.*

<sup>2</sup> The rulemaking is authorized pursuant to Section 103 of District of Columbia Public Education Reform Amendment of 2007, effective June 12, 2007, D.C. Law 17-9, District Official Code §38-272, Mayor’s Order 2007-186 (August 10, 2007).

The FOIA rules that govern all District agencies (DCMR Title 1, Chapter 4) are similar in content to the current DCPS Rules (DCMR Title 5, Chapter 34) in terms of purpose, application, agency responsibility, procedures for requesting records, time limitations, exemptions and responses to requests.

The main differences between the two sets of rules are the fee structures for FOIA requests (fees are higher under DCMR Title 1, Chapter 4), and annual reporting requirements and Mayoral oversight of FOIA requests, which do not currently affect DCPS but would upon approval of the proposed resolution.

### **Financial Plan Impact**

Funds are sufficient in the FY 2009 through FY 2012 Budget and Financial Plan to implement the proposed resolution. The proposed resolution could result in higher FOIA fee collections, but the impact is likely to be trivial. The proposed resolution would also require DCPS to conform to reporting requirements and Mayoral oversight for FOIA issues, but the agency already internally tracks FOIA requests, and therefore these additional requirements could be met within the existing budget.